

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,) DOCKET NO. 3:18-cr-117
)
)
)
 VS.)
)
)
 DION WILLIAMS,)
)
)
)
 Defendant.)
)

TRANSCRIPT OF ELECTRONICALLY RECORDED
PLEA HEARING
BEFORE THE HONORABLE DAVID S. CAYER
UNITED STATES MAGISTRATE JUDGE
NOVEMBER 29, 2018

APPEARANCES:

On Behalf of the Government:

JENNIFER LYNN DILLON, ESQ.,
Assistant United States Attorney
227 West Trade Street, Suite 1700
Charlotte, North Carolina 28202

On Behalf of the Defendant:

CLAIRE RAUSCHER, ESQ.,
KATIE RAMSEUR, ESQ.,
Womble Bond Dickinson, LLP
301 South College Street
Charlotte, North Carolina 28202

Proceedings digitally-recorded and stenographically transcribed by:

LAURA ANDERSEN, RMR
Official Court Reporter
United States District Court
Charlotte, North Carolina

PROCEEDINGS

(Transcript of proceedings digitally recorded on
November 29, 2018 at 10:23.)

THE COURT: United States versus Dion Williams.

MS. RAUSCHER: Good morning, Your Honor.

THE COURT: Good morning, Ms. Rauscher.

MS. DILLON: Good morning, Your Honor.

THE COURT: Good morning.

9 MS. RAUSCHER: Your Honor, I would just like to
10 introduce Katie Ramseur from our office. Katie is one of our
11 young associates.

THE COURT: Good morning.

MS. RAMSEUR: Thank you for having me.

THE COURT: And he is here for an 11(c)(1)(C) plea?

MS. RAUSCHER: That's correct.

THE COURT: Counsel ready to proceed?

MS. DILLON: Yes, Your Honor.

MS. RAUSCHER: One moment, Your Honor.

We are ready, Your Honor. Thank you.

THE COURT: All right. Stand up, sir.

I will be asking you some questions about your plea.

22 The clerk will place you under oath first.

DION WILLIAMS, DEFENDANT, SWORN

24 THE COURT: Sir, do you now understand that you are
25 under oath, and that you are required to give truthful answers

1 to the questions I am about to ask?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that if you give false
4 information under oath you may be prosecuted for perjury or
5 false statement?

6 THE DEFENDANT: Yes.

7 THE COURT: After consulting with your attorney, do
8 you want the Court to accept your guilty plea to one count in
9 this Bill of Indictment?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that you have the
12 right to have a United States District Judge conduct this
13 proceeding?

14 THE DEFENDANT: Yes.

15 THE COURT: Recognizing your right to proceed before
16 a district judge, do you expressly consent to proceed in this
17 court today, that is, before a United States Magistrate Judge?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you now under the influences of any
20 alcohol or drugs?

21 THE DEFENDANT: No.

22 THE COURT: Is your mind clear, and do you
23 understand that you are here to enter a guilty plea in your
24 case?

25 THE DEFENDANT: Yes.

1 THE COURT: Have you received a copy of the
2 indictment, and have you discussed its contents with your
3 attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: Would the government summarize the
6 charge and the penalty?

7 MS. DILLON: Yes, Your Honor.

8 Your Honor, the penalty is — for Count Two is a
9 violation of Title 18, United States Code, 1114 and Section 2.
10 The maximum term of imprisonment is 20 years imprisonment, a
11 \$250,000 fine or both, and no more than 3 years of supervised
12 release.

13 THE COURT: And the substantive charge is?

14 MS. DILLON: It's attempted murder of a postal
15 employee, Your Honor.

16 THE COURT: Do you fully understand the charge
17 against you, including the maximum penalty you face if
18 convicted?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that by pleading
21 guilty to a felony charge you may be deprived of certain civil
22 rights, such as the right to vote, hold public office, serve
23 on a jury, or possess a firearm?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you spoken with your attorney about

1 how the U.S. Sentencing Guidelines might apply to your case?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that the District
4 Judge will not be able to determine the applicable sentencing
5 guideline range until after your presentence report has been
6 prepared, and you have had an opportunity to comment on it?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that parole has been
9 abolished, and if you are sentenced to a term of imprisonment
10 you will not be released on parole.

11 THE DEFENDANT: Yes.

12 THE COURT: If your sentence includes imprisonment,
13 do you understand that the District Judge may also order a
14 term of supervised release?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that if you violate
17 the terms and conditions of supervised release, which
18 typically lasts from 1 to 5 years, you could be returned to
19 prison for an additional period of time?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that you have a right
22 to plead not guilty, to have a speedy trial before a judge and
23 jury, to summons witnesses to testify in your behalf, and to
24 confront the witnesses against you?

25 THE DEFENDANT: Yes.

1 THE COURT: If you exercised your right to trial you
2 would be entitled to the assistance of a lawyer, you would not
3 be required to testify, you would be presumed innocent, and
4 the burden would be on the government to prove your guilt
5 beyond a reasonable doubt. Do you understand all of these
6 rights?

7 THE DEFENDANT: Yes.

8 THE COURT: By entering this plea of guilty you are
9 waiving or giving up those rights and there will be no trial.
10 If your guilty plea is accepted, that will be one more hearing
11 where the District Judge will determine what sentence to
12 impose. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you in fact guilty of the one count
15 in this Bill of Indictment?

16 THE DEFENDANT: Yes.

17 THE COURT: Have the United States and the defendant
18 entered into a plea agreement pursuant to Rule 11(c)(1)(C).

19 MS. DILLON: Yes, Your Honor.

20 THE COURT: You may summarize that.

21 MS. DILLON: Thank you.

22 The defendant agrees to enter a voluntary plea of
23 guilty to Count Two as set forth in the Bill of Indictment and
24 admits to being in fact guilty as charged in that count.

25 If the Court finds the defendant's plea to be

1 voluntarily and knowingly made and accepts the plea, the
2 United States will move at the appropriate time to dismiss
3 Counts One and Three as to this defendant in the Bill of
4 Indictment.

5 The defendant understands that each and every
6 provision set forth in the plea agreement is a material term,
7 and my failure to recite any of the provisions doesn't make
8 them any less important.

9 The defendant's failure to fully comply with any
10 provision of the plea agreement or attempt to withdraw the
11 guilty plea will relieve the United States of its obligations
12 under the plea agreement, but the defendant will not be
13 relieved of his obligations or allowed to withdraw the guilty
14 plea, may constitute the defendant's failure to accept
15 responsibility under Guideline Section 3E1.1, and will permit
16 the United States to proceed on any dismissed, pending,
17 superseding, or additional charges.

18 Because this plea agreement is offered pursuant to
19 Federal Rule of Criminal Procedure 11(c) (1) (C), if the Court
20 accepts the plea, the Court may not impose a greater sentence
21 than that agreed by the parties in this plea agreement.
22 However, not all forms of punishment have been agreed by the
23 parties to be binding.

24 The defendant is aware that the statutory maximum
25 for the sentence is as stated previously, 20 years

1 imprisonment, a \$250,000 fine or both, and no more than
2 3 years of supervised release.

3 This plea agreement is made pursuant to 11(c) (1) (C)
4 and binds the Court as to the terms set forth below in
5 paragraph 7 only.

6 The defendant understands that not all the terms of
7 this plea agreement are binding recommendations that must be
8 accepted by the Court.

9 The Court will not be bound by any provision of this
10 agreement unless the provision explicitly states that it is
11 binding.

12 Unless limited by a binding recommendation the Court
13 may impose any form of punishment permitted by law.

14 The defendant and the United States, pursuant to
15 11(c) (1) (C), make the binding recommendation to the Court that
16 the defendant be sentenced to a term of 15 years imprisonment.

17 However, the terms of this plea agreement will not
18 be binding on the Court or the United States if the defendant
19 is found to have misrepresented facts to the government prior
20 to entering into this plea agreement or commits any misconduct
21 after entering into this plea agreement, including but not
22 limited to committing a state or federal offense, violating
23 any term of release, or making false statements or
24 misrepresentations to any government entity or official.

25 The defendant understands and agrees that if he

1 violates the terms of this plea agreement as determined by the
2 Court, he will not be permitted to withdraw his plea of guilty
3 and will change this agreement to a non-binding plea agreement
4 which will then be governed by Federal Rule of Criminal
5 Procedure 11(c) (1) (B) .

6 The defendant agrees that a duly-qualified federal
7 magistrate may conduct the hearing required by Rule 11 and the
8 defendant stipulates that there is a factual basis as required
9 by Rule 11(b) (3) for the plea of guilty.

10 He further stipulates that the defendant has read
11 and understood the factual basis filed with this plea
12 agreement and that such factual basis may be used by the Court
13 and the United States probation office without objection by
14 the defendant to determine the applicable advisory guideline
15 range or the appropriate sentence under the 3553(a) factors
16 unless the factual basis itself notes the defendant's right to
17 object to a particular fact was explicitly reserved.

18 Your Honor, this factual basis is filed as Document
19 47 and there is one objection that's noted in the factual
20 basis.

21 The defendant is aware that the law provides certain
22 limited rights to withdraw a plea of guilty. He has discussed
23 these rights with defense counsel and knowingly expressly
24 waives any right to withdraw the plea once the magistrate
25 judge has accepted it.

1 The defendant has discussed with his attorney his
2 rights pursuant to Title 18, United States Code, Section 3742,
3 Title 28, United States Code, Section 2255, and similar
4 authorities to contest a conviction and/or sentence through an
5 appeal or post-conviction after entering into this plea
6 agreement, whether there are potential issues relevant to an
7 appeal or post-conviction action, and the possible impact of
8 any such issue on the desirability of entering into this plea
9 agreement.

10 The defendant, in exchange for the concessions made
11 by the United States in this agreement, waives all such rights
12 to contest the conviction except for claims of ineffective
13 assistance of counsel or prosecutorial misconduct.

14 The defendant also knowingly expressly waives all
15 rights conferred by Title 18, United States Code, Section 3742
16 or otherwise to appeal whatever sentence is imposed with the
17 two exceptions set forth above.

18 The defendant agrees that the United States
19 preserves all its rights and duty as set forth in Title 18,
20 United States Code, Section 3742 (b) .

21 This agreement, Your Honor, is binding when signed
22 by the defendant, and the defendant's attorney, and the United
23 States. And he agrees that entry of the plea agreement at the
24 date and time scheduled by the Court, which is today.

25 There are no other agreements representations or

1 understandings between the parties in this case other than
2 those explicitly set forth in this plea agreement or as
3 noticed to the Court during the plea colloquy and contained in
4 writing in a separate document signed by all the parties.

5 This plea agreement is signed by myself on behalf of
6 United States, Ms. Rauscher the attorney for the defendant,
7 and Mr. Williams the defendant.

8 THE COURT: Do you understand those to be the terms
9 of your plea agreement, and do you agree with those terms?

10 THE DEFENDANT: Yeah, I guess. Yes.

11 THE COURT: Well, I have to have a firm yes or a no
12 there, sir.

13 THE DEFENDANT: Yeah.

14 MS. RAUSCHER: Your Honor, just for purposes of the
15 record. In paragraph 8, section 1 where it says that the plea
16 agreement would not be binding on the Court if the defendant
17 is found to have misrepresented facts to the government prior
18 to entering into the plea agreement. Mr. Williams was not
19 debriefed and did not provide any information. So I want to
20 make sure that's clear.

21 THE COURT: All right.

22 MS. RAUSCHER: Thank you.

23 THE COURT: Has the right to appeal your conviction
24 and sentence been expressly waived in this plea agreement?

25 THE DEFENDANT: Yeah -- yes.

1 THE COURT: Has the right to challenge your
2 conviction and sentence in a post-conviction proceeding also
3 been waived in the plea agreement?

4 THE DEFENDANT: Yes.

5 THE COURT: Is that your signature on the plea
6 agreement?

7 THE DEFENDANT: Yes.

8 THE COURT: Are you aware that a factual basis has
9 been filed as an attachment to your plea agreement?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, your attorney has indicated that
12 you have made an objection to part of that so that is noted
13 for the record. But other than that have you read the factual
14 basis, and do you understand it and agree with it?

15 THE DEFENDANT: Yes.

16 THE COURT: Has anyone threatened, intimidated, or
17 forced you to enter a guilty plea today?

18 THE DEFENDANT: Nah. No.

19 THE COURT: Other than the terms of your plea
20 agreement, has anyone made you any promises of leniency or a
21 light sentence to induce you to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Have you had enough time to discuss with
24 your attorney any possible defenses you may have to this
25 charge?

1 THE DEFENDANT: Yes.

2 THE COURT: Are you satisfied with the services of
3 your attorney in this case?

4 THE DEFENDANT: Yes.

5 THE COURT: Is there anything that you would like to
6 say at this time about the services of your attorney?

7 THE DEFENDANT: No.

8 THE COURT: Have you heard and understood all parts
9 of this proceeding?

10 THE DEFENDANT: Yes.

11 THE COURT: And do you still wish to plead guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you have any questions or statements
14 that you would like to make at this time?

15 THE DEFENDANT: No.

16 THE COURT: Ms. Rauscher, have you reviewed each of
17 the terms of the plea agreement with him, and are you
18 satisfied that he understands those terms?

19 MS. RAUSCHER: Your Honor, I have reviewed all the
20 terms and conditions of the plea and it is my belief that he
21 understands.

22 THE COURT: I will submit the transcript then for
23 review and signature by counsel and the defendant.

24 MS. RAUSCHER: Your Honor, one of them is not
25 checked, number 11.

1 THE COURT: Is that the immigration question?

2 MS. DILLON: That's correct, Your Honor.

3 MS. RAUSCHER: Number 14. I'm sorry.

4 THE COURT: Which one is that, Tammy?

5 MS. RAUSCHER: That's the able to determine the
6 applicable sentencing guideline range.

7 THE COURT: All right. Can you check it, Nancy?

8 MS. RAUSCHER: Can I mark it?

9 THE DEPUTY CLERK: (Inaudible.)

10 MS. RAUSCHER: Okay. Oops.

11 THE DEPUTY CLERK: (Inaudible.)

12 MS. RAUSCHER: Okay.

13 THE COURT: The Court finds the plea to be knowingly
14 and voluntarily made; finds a factual basis to support the
15 plea. The plea is accepted.

16 The Court recommends the District Judge accept the
17 plea and enter judgment thereon. The defendant has 14 days to
18 object.

19 Did you want him interviewed, Ms. Rauscher?

20 MS. RAUSCHER: No, Your Honor. We, in fact, have
21 all of the presentence materials ready, and I just need to
22 write this on this.

23 That's it, Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. RAUSCHER: We're done.

1 MS. DILLON: Thank you, Your Honor.

2 MS. RAUSCHER: Thank you very much.

3 (The matter is concluded at 10:40.)

4 * * * * *Concluded 10:40 a.m..

5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF NORTH CAROLINA
6 CERTIFICATE OF OFFICIAL REPORTER

7 I, Laura Andersen, Federal Official Court Reporter,
8 in and for the United States District Court for the Western
9 District of North Carolina, do hereby certify that pursuant to
10 Section 753, Title 28, United States Code, that the foregoing
11 is a true and correct transcript of the digitally-recorded
12 proceedings prepared stenographically and transcribed to the
13 best of my ability, held in the above-entitled matter and that
14 the transcript page format is in conformance with the
15 regulations of the Judicial Conference of the United States.

16 Dated this the 23rd day of January 2019.
17

18 S/Laura Andersen
19 Laura Andersen, RMR
20 Federal Official Court Reporter.
21
22
23
24
25